

C means attaching said transducer to said support rod, coaxial electrical conductors associated with said support rod for transmitting electrical signals to and from said transducer, including a wire extending through said support rod electrically connected with a back surface of said transducer, and a metal conductor on the surface of said rod electrically interconnected with a front surface of said transducer, said metal conductor and support rod being spaced from said needle to facilitate back flow of blood when a blood vessel is penetrated, and a syringe portion detachably attached to said needle.--

REMARKS

Applicants' representative thanks the Examiner for the telephone interview on August 18, 1993, and for the personal interview on Thursday, August 26, 1993.

As a preliminary matter, Applicants wish to confirm that all further communications in this application should be sent to R. Terrance Rader at the address identified at the end of this response, in accordance with the Combined Power of Attorney and Declaration of Alan R. Selfridge dated May 26, 1992 and Paul G. Yock dated May 1, 1992. The Office Actions of November 3, 1992 and July 27, 1993 as well as the Interview Summary from the telephone interview of August 18, 1993, were sent to the prior counsel involved in the prosecution of this reissue application. Correction of the Patent Office records to reflect the correct power of attorney would be appreciated.

Pursuant to the telephone interview of August 18, 1993, agreement was reached that the Examiner would amend the application so that original claim 22 would be renumbered to claim 21; original claim 23 would be renumbered to claim 22; the dependency of original claim 22 (now claim 21) would be changed

to claim 20; and original claim 23 (now claim 22) would remain independent.

Pursuant to the personal interview on Thursday, August 26, 1993, agreement was reached that claims (1-22) are patentable over the prior art of record. Newly added claim 23 is original claim 1 of Applicant's U.S. Patent No. 4,887,606, and therefore, it is believed to be allowable as well. Thus, the only remaining matter to be addressed is the Examiner's request for a further explanation as to why the Reissue Declaration is acceptable as filed.

The Reissue Declaration was objected to for failing to comply with 37 CFR 1.175 (a)(3) and (a)(5). First, the Declaration was objected to for failing to specifically point out how the errors arose or occurred with respect to the specification and the claims. In paragraphs 4 and 5 of the Declarations of Yock and Selfridge, the Applicants state that the "attorney handling the prosecution of the original application, through error, without deceptive intent, failed to recognize the above described features of the invention in their broadest sense and the aforesaid errors which had occurred in the specification and claims." Thus, the errors arose or occurred because of a failure by prior counsel to recognize features of the invention in their broadest sense. Since Applicants were not personally responsible for the errors, the most Applicants could say in paragraph 6 of their respective Declarations was that they believed that the errors occurred during the preparation and prosecution of the application.

The Declaration was also objected to for failing to specifically pointing out how the errors in claims 7-22 arose, including any excess or insufficiency. In response, Applicants note that claims 7-22 were not part of the claims of the issued patent. 37 CFR 1.175 addresses errors, including distinctly

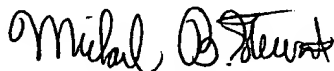
specifying the excess or insufficiency for the claims in the issued patent, not claims that are added through the reissue process. Therefore, there are no errors with respect to claims 7-22 that the Declaration should address. The Declaration does distinctly specify any excess or insufficiency with respect to claims 1 and 6 of the issued patent as well as the fact that the method of using the apparatus described in the specification was not claimed. The Declarations of Yock and Selfridge also state sufficient facts as to how and when the excess or insufficiency arose.

Therefore, Applicants respectfully submit that the Reissue Declaration complies with the requirements of 37 CFR 1.175 and ask that it be entered by the Examiner.

Finally, as set forth above, Applicants submit new claim 23 which corresponds to claim 1 of the '606 patent. Claim 1 was amended in the preliminary amendment without including a claim with the same limitations as the previously allowed claim 1. It is respectfully submitted that this claim is allowable over the prior art of record.

In view of these supplemental remarks, it is believed that claims 1-23 are allowable and that the Reissue Declaration meets the requirements of 37 CFR 1.175. An early indication of such is respectfully solicited. If the Examiner has any questions, he is asked to contact the undersigned.

Respectfully submitted,



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CERTIFICATE OF MAILING

I hereby certify that the enclosed Supplemental Amendment is being deposited with the United States Postal Service as Express Mail, "Post Office to Addressee", Label No. IB222044757, postage prepaid, in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231, on this 2nd day of September, 1993.

Stephanie A. Lash

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